

Remarks/Arguments

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed October 22, 2003. Claims 1-20 stand rejected. Reconsideration and reexamination are respectfully requested.

The undersigned would like to thank the Examiner further courtesies extended during the telephonic interview of December 8, 2003. During that interview, the undersigned pointed out that the Section 112, first paragraph, rejection was improper, citing, for example, page 2, lines 1-13 and page 7, line 6 to page 8, line 2 of the present specification. In addition, the undersigned point out that McNair et al. do not appear to suggest, among other things, a management system for a building or for one or more rooms in a building, wherein the signals are transmitted at at least two different frequencies within a frequency range (54), with at least one of these frequencies being outside a defined partial frequency range (55) of the frequency range (54), wherein the defined partial frequency range (55) of the frequency range (54) is defined as including a portion of the frequency range (54) that is more heavily used than other portions of the frequency range (54) by devices in or near the building.

During the interview of December 8, 2003, *the Examiner requested that Applicants file this Response requesting reconsideration, and that the Examiner would in return withdraw the final rejection of the pending claims.* Applicants hereby incorporate by reference the remarks presented in Applicants' previous response filed on September 5, 2003.

In view of the foregoing, all pending claims 1-20 are believed to be in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner would like to discuss the application or its examination in any way, please call the undersigned attorney at (612) 677-9050.

Application No. 09/582,477  
Amendment dated December 17, 2003  
Reply to Final Office Action dated October 22, 2003

Respectfully Submitted,

Bienert et al.

By their attorney:

Date: DECEMBER 17, 2003



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